

SENATE BILL 109
EMERGENCY BILL

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B4

2004 Regular Session
4r1536

By: **Senator Middleton**

Introduced and read first time: January 21, 2004

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Bel Alton High School Loan of 1996**

3 FOR the purpose of amending Chapter 130 of the Acts of the General Assembly of
4 1996 to extend the time by which the Bel Alton High School Alumni Restoration
5 Committee must encumber or expend the loan proceeds; and making this Act an
6 emergency measure.

7 BY repealing and reenacting, with amendments,
8 Chapter 130 of the Acts of the General Assembly of 1996
9 Section 1

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Chapter 130 of the Acts of 1996**

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That:

15 (1) The Board of Public Works may borrow money and incur indebtedness on
16 behalf of the State of Maryland through a State loan to be known as the Charles
17 County - Bel Alton High School Loan of 1996 in a total principal amount equal to the
18 lesser of (i) \$250,000 or (ii) the amount of the matching fund provided in accordance
19 with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and
20 delivery of State general obligation bonds authorized by a resolution of the Board of
21 Public Works and issued, sold, and delivered in accordance with §§ 8-117 through
22 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

23 (2) The bonds to evidence this loan or installments of this loan may be sold as
24 a single issue or may be consolidated and sold as part of a single issue of bonds under
25 § 8-122 of the State Finance and Procurement Article.

26 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
27 and first shall be applied to the payment of the expenses of issuing, selling, and
28 delivering the bonds, unless funds for this purpose are otherwise provided, and then
29 shall be credited on the books of the Comptroller and expended, on approval by the

1 Board of Public Works, for the following public purposes, including any applicable
2 architects' and engineers' fees: as a grant to Bel Alton High School Alumni Restoration
3 Committee (known hereafter in this Act as "the grantee"), a public and private
4 partnership consisting of alumni of the School, officials in the Charles County
5 government, community organizations and advocates, and members of the private
6 sector for the repair, renovation, rehabilitation, and capital equipping of the Bel Alton
7 High School in Charles County, to be used as a multiservice center in which
8 employment, training, and support services will be offered to the citizens of Charles
9 County.

10 (4) An annual State tax is imposed on all assessable property in the State in
11 rate and amount sufficient to pay the principal of and interest on the bonds as and
12 when due and until paid in full. The principal shall be discharged within 15 years
13 after the date of issuance of the bonds.

14 (5) Prior to the payment of any funds under the provisions of this Act for the
15 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
16 matching fund. No part of the grantee's matching fund may be provided, either
17 directly or indirectly, from funds of the State, whether appropriated or
18 unappropriated. No part of the fund may consist of real property or in kind
19 contributions. The fund may consist of funds expended prior to the effective date of
20 this Act. In case of any dispute as to the amount of the matching fund or what money
21 or assets may qualify as matching funds, the Board of Public Works shall determine
22 the matter and the Board's decision is final. The grantee has until June 1, 1998, to
23 present evidence satisfactory to the Board of Public Works that a matching fund will
24 be provided. If satisfactory evidence is presented, the Board shall certify this fact to
25 the State Treasurer, and the proceeds of the loan shall be expended for the purposes
26 provided in this Act. Any amount of the loan in excess of the amount of the matching
27 fund certified by the Board of Public Works shall be canceled and be of no further
28 effect.

29 (6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey
30 to the Maryland Historical Trust a perpetual preservation easement to the extent of
31 its interest:

32 (i) On the land or such portion of the land acceptable to the Trust;
33 and

34 (ii) On the exterior and interior, where appropriate, of the historic
35 structures.

36 (b) The easement must be in form and substance acceptable to the Trust
37 and the extent of the interest to be encumbered must be acceptable to the Trust.

38 (7) THE GRANTEE MUST ENCUMBER OR EXPEND THE LOAN PROCEEDS BY
39 JUNE 1, 2006.

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
41 emergency measure, is necessary for the immediate preservation of the public health
42 or safety, has been passed by a ye and nay vote supported by three-fifths of all the

1 members elected to each of the two Houses of the General Assembly, and shall take
2 effect from the date it is enacted.